

REMARKS

Applicant thanks the Examiner for acknowledging the priority claim under 35 U.S.C. § 119, and receipt of certified copies of the priority documents.

Applicant also thanks the Examiner for considering the references cited in the Information Disclosure Statements filed on April 5, 2005 and September 29, 2003.

Claim Rejections

Claims 58-61 have been rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. The Examiner alleges that the recited “program” is not provided in a computer readable medium.

Applicant has amended claims 58-61 to recite “a computer readable recording medium storing a computer executable program.” The amended claims are supported in the specification at least at page 14 in the last paragraph bridging to page 15, and in Figs. 1 and 11. Applicants respectfully request that the § 101 rejections of claims 58-61 be withdrawn.

Claims 1-61 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of co-pending Application No. 09/984,206 (U.S. Pat. Pub. No. 2002/0077079) to Ishihara (“Ishihara”), in view of U.S. Pat. No. 6,836,654 to Dcotignie (“Dcotignie”). Since this a provisional obviousness-type double patenting rejection, Applicant has the option to hold in abeyance a response (i.e., terminal disclaimer or traversal on the merits) to the obviousness-type double patenting rejection until a patent issues from one of the pending applications.

Claims 1, 2, 5, 6, 9-11, 13-15, 18-20, 23, 25, 28-30, 32, 35-37, 40, 42-44, 47, 50, 51, 53, 54 and 57-61 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP 2001320474 to Umetsu ("Umetsu") in view of U.S. Pat. No. 6,449,492 to Kenagy et al. ("Kenagy"). Applicants traverse these rejections.

Applicants address independent claim 1 first. Umetsu discloses an upper and lower case and a detection section that detects when the case is closed. Kenagy discloses a programmable automatic lock function including a timer used for measuring a length of time before activating the lock function, and a user programmable lock deactivation code. The combination of Umetsu and Kenagy, however, does not disclose or suggest at least waiting until a preset setting time has elapsed since a detection of a state that said first and second cases overlap each other while a terminal of the portable telephone is in a wait state for incoming and outgoing calls, as recited in the claim, before invalidating key entries except those used for unlocking the portable telephone.

As stated by the Examiner, Umetsu does not teach a locking technique (Office Action, page 4). On the other hand, Kenagy discloses a technique whereby the user can program conditions for automatically activating the lock function, but does not disclose that the terminal of the portable telephone is in a wait state for incoming and outgoing calls, since this state is a function of telephone operation that is not programmable. Kenagy uses examples wherein the lock function is automatically activated in a set period of time after the system becomes idle (column 4, lines 46-63). Kenagy, however, does not provide a definition of an idle system, and does not provide a suggestion that an idle system should be interpreted as a system in a wait state for incoming and outgoing calls.

For at least the above reasons, independent claim 1 is patentable over the combination of Umetsu and Kenagy. Independent claims 1, 5, 9, 10, 14, 18, 28, 29, 36, 42, 50, 53 and 58-61 contain features similar to the features recited in claim 1 and are therefore patentable for similar reasons. Claims 2, 6, 11, 13, 15, 19, 20, 23, 25, 30, 32, 35, 37, 40, 43, 44, 47, 51, 54 and 57, which depend from one of claims 1, 5, 10, 14, 18, 28, 29, 36, 42, 50, and 53, are patentable at least by virtue of their dependency.

Claims 3, 7, 16, 21, 38 and 45 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Umetsu in view of Kenagy, and in further view of U.S. Pat. No. 6,549,789 to Kfoury (“Kfoury”). Applicants traverse these rejections.

The combination of Umetsu, Kenagy and Kfoury does not disclose or suggest the invention as claimed. As noted above, the combination of Umetsu and Kenagy fails to disclose or suggest the claimed features of independent claims 1, 5, 14, 18, 36 and 42 from which claims 3, 7, 16, 21, 38 and 45, respectively, depend. The Examiner relies on Kfoury to allegedly disclose a portable telephone having first and second housings which are rotatable with respect to each other, not to cure the deficiencies of the combination as established above.

Therefore, since the combination of Umetsu and Kenagy fails to disclose or suggest the features claimed by claims 3, 7, 16, 21, 38 and 45, and since Kfoury does not cure the deficiencies of Umetsu and Kenagy, claims 3, 7, 16, 21, 38 and 45 are patentable over the combination of Umetsu, Kenagy and Kfoury.

Claims 4, 8, 17, 22, 39 and 46 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Umetsu in view of Kenagy and Kfoury, and in further view of U.S. Pat. No. 5,540,619 to Meada ("Meada"). Applicants traverse these rejections.

The combination of Umetsu, Kenagy, Kfoury and Meada does not disclose or suggest the invention as claimed. As noted above, the combination of Umetsu and Kenagy fails to disclose or suggest the claimed features of independent claims 1, 5, 14, 18, 36 and 42 from which claims 4, 8, 17, 22, 39 and 46, respectively, depend, and Kfoury does not cure those deficiencies. The Examiner relies on Meada to allegedly disclose a portable telephone having a slidably retractable case, not to cure the deficiencies of the combination of Umetsu, Kenagy and Kfoury as established above.

Therefore, since the combination of Umetsu, Kenagy and Kfoury fails to disclose or suggest the features claimed by claims 4, 8, 17, 22, 39 and 46, and since Meada does not cure the deficiencies of Umetsu, Kenagy and Kfoury, claims 4, 8, 17, 22, 39 and 46 are patentable over the combination of Umetsu, Kenagy, Kfoury and Meada.

Claims 12, 24, 26, 27, 31, 33, 34, 41, 48, 49, 52, 55 and 56 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Umetsu in view of Kenagy, Kfoury and Meada, in further view of U.S. Pat. No. 5,937,005 to Obuchi et al. ("Obuchi"). Applicants traverse these rejections.

The combination of Umetsu, Kenagy, Kfoury, Meada and Obuchi does not disclose or suggest the invention as claimed. As noted above, the combination of Umetsu and Kenagy fails to disclose or suggest the claimed features of independent claims 10, 18, 28, 29, 36, 42, 50 and

53 from which claims 12, 24, 26, 27, 31, 33, 34, 41, 48, 49, 52, 55 and 56 depend, and the combination of Kfoury and Meada does not cure those deficiencies. The Examiner relies on Obuchi to allegedly disclose a counter that is resettable based on an interrupt, not to cure the deficiencies of the combination of Umetsu, Kenagy, Kfoury and Meada as established above.

Therefore, since the combination of Umetsu, Kenagy, Kfoury and Meada fails to disclose or suggest the features claimed by claims 12, 24, 26, 27, 31, 33, 34, 41, 48, 49, 52, 55 and 56, and since Obuchi does not cure the deficiencies of Umetsu, Kenagy, Kfoury and Meada, claims 12, 24, 26, 27, 31, 33, 34, 41, 48, 49, 52, 55 and 56 are patentable over the combination of Umetsu, Kenagy, Kfoury, Meada and Obuchi.

Conclusion

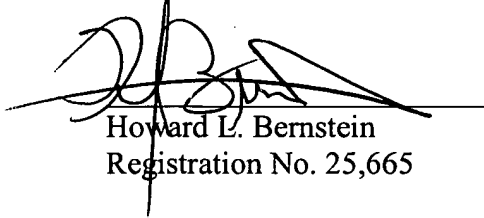
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln. No. 10/671,793

Attorney docket No. Q77533

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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